

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**ANGEL DAVID MORALES
VALLELLANES,
Plaintiff,**

v.

**JOHN POTTER, UNITED STATES
POSTMASTER GENERAL, ET ALS.,
Defendants.**

CIVIL NO. 97-2459 (GAG)(CVR)

**DAMAGES BASED ON
RETALIATION AND
DISCRIMINATION; PROHIBITED
PERSONNEL PRACTICES;
UNFAIR LABOR PRACTICES;
BREACH OF COLLECTIVE
BARGAINING AGREEMENT**

MOTION TO SET ASIDE OR MODIFY ORDER

TO THE HONORABLE COURT:

COMES NOW, Plaintiff, Angel David Morales-Vallellanes, through the undersigned attorneys, very respectfully inform this Honorable Court:

1. Defendant filed a motion for an enlargement to file under F.R.C.P. 50(c) and F.R.C.P. 59(a) and (e) a motion to set aside the jury verdict as well as the back pay remedy awarded.
2. The Defendant's enlargement request is until May 30, 2008. Said requested term is excessive as it provides for almost forty (40) days.
3. The jury trial concluded on December 21, 2007 (4 months ago) and Defendant since the very beginning requested to include in said party memorandum not only the issues of front pay and back pay, but also a Rule 50 pertaining to the jury verdict. Needless to say the Honorable Court denied said request.

4. This Honorable Court today granted Defendant's request for extension of time. (See D.E. 433) Said extension gives Defendant an excessive term of five (5) months since the conclusion of the jury trial, therefore said decision is against Plaintiff's best interest as the appearing party is seeking justice for the last eleven (11) years. Certainly, time runs against Plaintiff's best interests.
5. The appearing party respectfully request to set aside said granted extension or modify the same until May 9, 2008. Defendant has had already four (4) months to prepare itself.

WHEREFORE, it is respectfully requested from this Honorable Court to set aside the granted extension or modify the same until May 9, 2008.

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY that on April 23, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Fidel A. Sevillano-Del Río, Esq.**, Assistant U.S. Attorney, Federico Degetau Federal Build., 150 Carlos Chardón Av., Hato Rey, Puerto Rico 00918.

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